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Israel-Palestinians >> James Baker's Letter of Assurance to the Palestinians

James Baker's Letter of Assurance to the Palestinians October 18, 1991

The Palestinian decision to attend a peace conference to launch direct negotiations with Israel represents an important step in the search for a comprehensive, just and lasting peace in the region. The United States has long believed that Palestinian participation is critical to the success of our efforts.

In the context of the process on which we are embarking, we want to respond to your request for certain assurances related to this process. These assurances constitute U.S. understandings and intentions concerning the conference and ensuing negotiations.

These assurances are consistent with United States policy and do not undermine or contradict United Nations Security Council resolutions 242 and 338. Moreover, there will be no assurances provided to one party that are not known to all the others. By this we can foster a sense of confidence and minimize chances for misunderstandings.

As President Bush stated in his March 6, 1991 address to Congress, the United States continues to believe firmly that a comprehensive peace must be grounded in United Nations Security Council Resolutions 242 and 338 and the principle of territory for peace. Such an outcome must also provide for security and recognition for all states in the region, including Israel, and for legitimate political rights of the Palestinian people. Anything else, the President noted, would fail the twin tests of fairness and security.

The process we are trying to create offers Palestinians a way to achieve these objectives. The United States believes that there should be an end to the Israeli occupation which can occur only through genuine and meaningful negotiations. The United States also believes that this process should create a new relationship of mutuality where Palestinians and Israelis can respect one another's security, identity, and political rights. We believe Palestinians should gain control over political, economic and other decisions that affect their lives and fate.

Direct bilateral negotiations will begin four days after the opening of the conference; those parties who wish to attend multilateral negotiations will convene two weeks after the opening of the conference to organize those negotiations. In this regard, the United States will support Palestinian involvement in any bilateral or multilateral negotiations on refugees and in all multilateral negotiations. The conference and the negotiations that follow will be based on UN Security Council Resolutions 242 and 338.

The process will proceed along two tracks through direct negotiations between Israel and Arab states and Israel and Palestinians. The United States is determined to achieve a comprehensive settlement of the Arab-Israeli conflict and will do its utmost to ensure that the process moves forward along both tracks toward this end.

In pursuit of a comprehensive settlement, all the negotiations would proceed as quickly as possible toward agreement. For its part, the United States will work for serious negotiations and will also seek to avoid prolongation and stalling by any party.

The conference will be co-sponsored by the United States and the Soviet Union. The European Community will be a participant in the conference alongside the United States and the Soviet Union and be represented by its Presidency. The conference can reconvene only with the consent of all the parties.

With regard to the role of the United Nations, the UN Secretary General will send a representative to the conference as an observer. The co-sponsors will keep the Secretary General apprised of the progress of the negotiations. Agreements reached between the parties will be registered with the UN Secretariat and reported to the Security Council, and the parties will seek the Council's endorsement of such agreements. Since it is in the interest of all parties for this process to succeed, while this process is actively ongoing, the United States will not support a competing or parallel process in the United Nations Security Council.

The United States does not seek to determine who speaks for Palestinians in this process. We are seeking to launch a political negotiating process that directly involves Palestinians and offers a pathway for achieving the legitimate political rights of the Palestinian people and for participation in the determination of their future. We believe that a joint Jordanian-Palestinian delegation offers the most promising pathway toward this end.

Only Palestinians can choose their delegation members, which are not subject to veto from anyone. The United States understands that members of the delegation will be Palestinians from the territories who agree to negotiations on two tracks, in phases, and who are willing to live in peace with Israel. No party can be forced to sit with anyone it does not want to sit with.

Palestinians will be free to announce their component of the joint delegation and to make a statement during the opening of the conference. They may also raise any issue pertaining to the substance of the negotiations during the negotiations.

The United States understands how much importance Palestinians attach to the question of east Jerusalem. Thus, we want to assure you that nothing Palestinians do in choosing their delegation members in this phase of the process will affect their claim to east Jerusalem, or be prejudicial or precedential to the outcome of negotiations. It remains the firm position of the United States that Jerusalem must never again be a divided city and that its final status should be decided by negotiations. Thus, we do not recognize Israel's annexation of east Jerusalem or the extension of its municipal boundaries, and we encourage all sides to avoid unilateral acts that would exacerbate local tensions or make negotiations more difficult or preempt their final outcome. It is also the United States position that a Palestinian resident in Jordan with ties to a prominent Jerusalem family would be eligible to join the Jordanian side of the delegation.

Furthermore, it is also the United States position that Palestinians of east Jerusalem should be able to participate by voting in the elections for an interim self-governing authority. The United States further believes that Palestinians from east Jerusalem and Palestinians outside the occupied territories who meet the three criteria should be able to participate in the negotiations on final status. And, the United States supports the right of Palestinians to bring any issue, including east Jerusalem, to the table.

Because the issues at stake are so complex and the emotions so deep, the United States has long maintained that a transitional period is required to break down the walls of suspicion and mistrust and lay the basis for sustainable negotiations on the final status of the occupied territories. The purpose of negotiations on transitional arrangements is to effect the peaceful and orderly transfer of authority from Israel to Palestinians. Palestinians need to achieve rapid control over political, economic, and other decisions that affect their lives and to adjust to a new situation in which Palestinians exercise authority in the West Bank and Gaza. For its part, the United States will strive from the outset and encourage all parties to adopt steps that can create an environment of confidence and mutual trust, including respect for human rights.

As you are aware with respect to negotiations between Israel and Palestinians, negotiations will be conducted in phases, beginning with talks on interim self-government arrangements. These talks will be conducted with the objective of reaching agreement within one year. Once agreed, the interim self-government arrangements will last for a period of five years. Beginning the third year of the period of interim self-government arrangements, negotiations will take place on permanent status. It is the aim of the United States that permanent status negotiations will be concluded by the end of the transitional period.

It has long been our position that only direct negotiations based on U.N. Security Council Resolutions 242 and 338 can produce a real peace. No one can dictate the outcome in advance. The United States understands that Palestinians must be free, in opening statements at the conference and in the negotiations that follow, to raise any issue of importance to them. Thus, Palestinians are free to argue for whatever outcome they believe best meets their requirements. The United States will accept any outcome agreed by the parties. In this regard and consistent with longstanding US policies, confederation is not excluded as a possible outcome of negotiations on final status.

The United States has long believed that no party should take unilateral actions that seek to predetermine issues that can only be resolved through negotiations. In this regard the United States has opposed and will continue to oppose settlement activity in the territories occupied in 1967, which remains an obstacle to peace.

The United States will act as an honest broker in trying to resolve the Arab-Israeli conflict. It is our intention, together with the Soviet Union, to play the role of a driving force in this process to help the parties move forward toward a comprehensive peace. Any party will have access to the co-sponsors at any time. The United States is prepared to participate in all stages of the negotiations, with the consent of the parties to each negotiation.

These are the assurances that the United States is providing concerning the implementation of the initiative we have discussed. We are persuaded that we have a real opportunity to accomplish something very important in the peace process. And we are prepared to work hard together with you in the period ahead to build on the progress we have made. There will be difficult challenges for all parties. But with Palestinians' continued commitment and creativity, we have a real chance of moving to a peace conference and to negotiations and then on toward the broader peace that we all seek.

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